

good will permit; and where necessary to protect said lands and the crops or improvements thereon, the ditches and drains so made shall be conducted to the nearest ditch, drain, or water-course or waste ground, and shall be kept open by the commission, and shall not be obstructed by the owner or occupant of such lands, or by any other person or persons. Any person or persons so obstructing the superintendent or other employees of the highway commission shall be guilty of a misdemeanor, and shall upon conviction be fined not exceeding fifty dollars or imprisoned not exceeding thirty days for each and every offense; and the rights and privileges granted by this section to the road superintendent and employees of the highway commission shall be given any contractor or contractors working for the commission, and to his or their servants or employees.

Obstructing  
officers misde-  
meanor.

Punishment.

Rights extended  
to contractors.

Application for  
assessment of  
damages.

SEC. 15. Any landowner feeling himself aggrieved by the taking of his land or any part thereof for the relocation or construction of any new or old public road, or by taking of any material from his land for road construction or otherwise as hereinbefore provided, or by the cutting of drains or ditches through his lands, may, within sixty days after such construction or improvement is completed, or such material is taken, or such drains or ditches are cut, make application to the highway commission for an assessment of damages and benefits to his property caused by the taking or invasion of his property for any of the purposes afore-said.

Procedure for  
assessment of  
damage.

SEC. 16. Within thirty days after the application for the assessment of damages has been made to the highway commission, the said commission shall order the sheriff or other lawful officer to summon a jury of three disinterested freeholders, who shall, after having given notice to the landowner, his tenant or agent in charge, and being duly sworn, go upon the ground and take into consideration the damages claimed or done, as well as the benefits accruing to the said property by reason of the construction or the improvement of the public road leading over the same, or for which the material was taken or the ditches or drains were cut, and the difference between the two sums shall be their verdict. If the damages awarded by the jury shall exceed the benefits, it shall be the duty of the secretary of the highway commission to draw an order on the sheriff or other officer acting as treasurer of Macon County for the amount, and the said officer on whom the order is drawn shall pay the same out of the general county road fund: *Provided, however,* that if either the highway commission or the landowner be dissatisfied with the verdict of the jury, they shall have the right of appeal to the Superior Court of said county.

Payment of  
damages.

Proviso: right of  
appeal.

Initial point of  
improvements.

SEC. 17. It shall be the duty of the highway commission to begin the work of laying macadam or other paving or metaling upon each road or street that may be decided upon, at the courthouse